

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

JOSE ARNULFO GUERRERO ORELLANA,)
on behalf of himself and others similarly situated,)

Petitioner-Plaintiff,)

v.)

ANTONE MONIZ, Superintendent, Plymouth)
County Correctional Facility, et al.,)

Respondents-Defendants.)

Case No. 25-12664-PBS

PETITIONER-PLAINTIFF’S MOTION FOR CLASS CERTIFICATION

Petitioner-Plaintiff, Jose Arnulfo Guerrero Orellana (“Petitioner”), hereby respectfully moves for an order to certify a class pursuant to Rule 23(a) and (b)(2) of the Federal Rules of Civil Procedure, appointing him as class representative and his undersigned counsel as class counsel. As grounds, Petitioner refers to the memorandum of law accompanying this motion. Specifically, Petitioner moves for an order to certify the following class:

All people who are arrested or detained in Massachusetts, or are detained in a geographical area over which, as of September 22, 2025, an Immigration Court located in Massachusetts is the administrative control court, or who are otherwise subject to the jurisdiction of an Immigration Court located in Massachusetts, where:

- (a) the person is not in any Expedited Removal process under 8 U.S.C. § 1225(b)(1), does not have an Expedited Removal order under 8 U.S.C. § 1225(b)(1), and is not currently in proceedings before an immigration judge due to having been found to have a credible fear of persecution under 8 U.S.C. § 1225(b)(1)(B)(ii);
- (b) for the person’s most recent entry into the United States, the government has not alleged that the person was admitted into the United States and has not alleged that person was paroled into the United States pursuant to 8 U.S.C. § 1182(d)(5)(A) at the time of entry;
- (c) the person does not meet the criteria for mandatory detention pursuant to 8 U.S.C. § 1226(c); and
- (d) the person is not subject to post-final order detention under 8 U.S.C. § 1231.

Petitioner further requests this Court to order Respondents-Defendants (“Respondents”) to identify and give notice, immediately upon the Court’s order on this motion, to all class members, including both class members currently detained and those who are detained in the future. Petitioner requests this Court to order the form of notice to include, at a minimum: (a) the nature of the action; (2) the definition of the certified class; and (3) the class claims and issues.

To facilitate notice, Petitioner requests that Respondents be ordered to maintain, on an ongoing basis and until further order from this Court, records sufficient to allow for adequate and effective notice to all class members.

Respectfully submitted,

/s/ Christopher E. Hart

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*Motion for admission *pro hac vice*
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L.R. 7.1 CERTIFICATION

I hereby certify that counsel for Petitioner conferred with counsel for respondents in a good faith effort to narrow or resolve the relief requested by this motion. Counsel for Respondents opposes this motion.

Date: September 25, 2025

/s/ Daniel L. McFadden
Daniel L. McFadden

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document will be served on counsel for all parties through the Court's CM/ECF system.

Date: September 25, 2025

/s/ Gilleun Kang
Gilleun Kang